

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Donald Sanders,

Court File No. 17-cv-5106 (ECT/KMM)

Plaintiff,

v.

BNSF Railway Company,

Defendant.

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**DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT OR,  
ALTERNATIVELY, PARTIAL  
SUMMARY JUDGMENT**

In accordance with Fed. R. Civ. P. 56, Defendant BNSF Railway Company moves for summary judgment on all of Plaintiff's Federal Railroad Safety Act ("FRSA") claims. Summary judgment is proper because Plaintiff cannot establish that FRSA-protected activity contributed to his dismissal and because BNSF would have dismissed Plaintiff notwithstanding any supposed protected activity. Alternatively, BNSF moves for partial summary judgment on Plaintiff's punitive damages claim.

This motion is supported by all files, records, and proceedings herein, including BNSF's papers to be filed in accordance with L.R. 7.1.

Dated: November 14, 2018

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